

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Case No. 12-3081-CR-RTD
)	
EMILIO R. HARO,)	
)	
Defendant.)	
)	

REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE

This matter comes before the Court on the issue of the defendant's competency to stand trial. On March 27, 2013, at the request of the defendant, the Court ordered a psychological evaluation. Elizabeth A. Tyner, Ph.D, Clinical Psychologist at the United States Medical Center for Federal Prisoners, evaluated the defendant between April 11 and May 28, 2013. Her report was submitted to the Court on June 25, 2013. The undersigned held a hearing on July 10, 2013, on the question whether defendant is competent to stand trial pursuant to 18 U.S.C. § 4241. Defendant appeared in person with counsel. No evidence was presented, other than the report of Dr. Tyner, which already appeared in the record.¹

After thorough evaluation, Dr. Tyner opined that the defendant "does not currently suffer from an active mental disease or defect which would have an adverse impact on his ability

¹ At the hearing, Michelle Law, counsel for defendant, informed the Court that she had sought the defendant's military records, which contained a psychological evaluation, but did not receive them until the day before Dr. Tyner finalized her report. Ms. Law further informed the Court that she discussed the results of the military psychiatric evaluation with Dr. Tyner, and Dr. Tyner determined that the results would not change the opinions expressed in her report.

to reason, make decisions, understand courtroom proceedings, or work with his attorney.” She further opined that the defendant would remain competent “for the foreseeable future.”

Based upon the opinion of Dr. Tyner, which was the only evidence before the Court on the question of competency, the undersigned respectfully **RECOMMENDS** that Defendant Emilio R. Haro be declared competent to stand trial.

IT IS SO ORDERED.

DATED: July 16, 2013

/s/ *David P. Rush*
DAVID P. RUSH
United States Magistrate Judge